

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Gerard Joseph Bean

v.

Civil No. 07-cv-328-JL

Larry Blaisdell, Warden,
Northern New Hampshire
Corectional Facility

O R D E R

Gerard Joseph Bean has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (document nos. 8-10, 17, 20, 21, 28 & 46).¹ Preliminary review of this matter has now been conducted. See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("§ 2254 Rules"); United States District Court District of New Hampshire Local Rules ("LR") 4.3(d)(2). The petition includes eight claims, identified

¹Bean filed his original petition on November 29, 2007 (document no. 8). Bean filed addenda to the petition on December 7, 2007 (document no. 9), December 10, 2007 (document no. 10), February 5, 2008 (document no. 17), March 4, 2008 (document no. 20), March 20, 2008 (document no. 21), and June 23, 2008 (document no. 28). This Court also requested documents regarding exhaustion of Bean's claims directly from the New Hampshire Supreme Court. Those documents have been received and docketed in this matter (document no. 46). All of these pleadings and documents will be considered, in the aggregate, to constitute the habeas petition in this matter.

as claims 2-8 and 10 in the Report and Recommendation issued on February 3, 2010 (document no. 48). Bean has demonstrated exhaustion of each of these eight claims, and the petition may be considered. See 28 U.S.C. § 2254(a) and (b) (providing that the writ "shall not be granted" unless petitioner is in state custody and has exhausted all available or effective state remedies). I, therefore, order the petition to be served on respondents. See § 2254 Rules 4.

The petition shall be served upon Respondent, which shall file an answer or other pleading in response to the allegations made therein. See id. (requiring reviewing judge to order a response to the petition). The Clerk's office is directed to serve the New Hampshire Office of the Attorney General as provided in the Agreement On Acceptance Of Service, copies of this Order and the habeas petition (document nos. 8-10, 17, 20, 21, 28 & 46).

Respondent shall answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5 (setting forth required contents of the answer). Upon receipt of the response, the Court will determine whether a hearing is warranted. See § 2254 Rule 8

(providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorneys.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: April 13, 2010

cc: Gerard Joseph Bean, pro se

JM:jba